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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. |
|-----------------|-------------|----------------------|---------------------|
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08/869,109 06/04/97 CHESSER

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EXAMINER

HARRIS, C

ART UNIT

PAPER NUMBER

1721

*6*

DATE MAILED:

06/22/98

**Please find below and/or attached an Office communication concerning this application or  
proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
08/869,109

Applicant(s)  
Chesser et al.

Examiner  
Kelly, C.H.

Group Art Unit  
1721



☒ Responsive to communication(s) filed on 6-4-97 and 4-24-98

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-27 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☒ Claim(s) 1-27 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 2.5

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

08/8/09  
1721

The disclosure is objected to because of the following informalities:

The brackets, [ ], used on page 10, lines 18-21 should be removed because brackets are generally used for deleting subject matter. The use of the brackets may lead to problems at the time of printing..

Appropriate correction is required.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-10, 15-20, 26 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over DD 240559.

The DD reference discloses adding a starch to a brine solution of NaCl and further adding MgCl<sub>2</sub> to the solution. The reference does not refer to the solutions as precursor and final.

However, the starch is added to a brine and the final brine, by addition of Mg salt, is subsequently formed. The DD reference does not mention that the rheology would be increased. The reference does say that the composition prevents fluid loss. The reference teaches that the

densities can be increased if desired, by adding more NaCl suspension. See the abstract. The difference between the reference and the application is that the reference does not specifically teach the formation of a polymer dispersion. However, this is what will occur in the reference when one adds starch to a suspension of NaCl at the stated density. Therefore, though not specifically stated, it would have been obvious to one of ordinary skill in the art to make polymer dispersions because the reference teaches mixing the same components of the same concentrations

08/869109  
1721

for the same reason and end result.

Claims 11-14 and 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over DD 240559 in view of Mondshine et al., U.S. pat. No. 4175,042 and House et al., U.S. pat. no. 4427556.

The DD reference does not speak specifically to calcium chloride and calcium bromide as the brine components. However, the well known components of calcium chloride and calcium bromide are used in brines and said to form dispersions of high densities as shown by House, columns 8 and 9. It would be well within the skill of the ordinary artisan to make the polymer dispersion using calcium chloride and calcium bromide because both are known as components in brines as well in slurries to which starch has been added and used in well drilling operations. The use of starches in brines is known to increase viscosity and rheology as shown by House. House discloses starches added to heavy brines of calcium bromide and calcium chloride having a positive effect on rheology. See column 2 and claims 15-18. Mondshine teaches the use of starch in brines as a fluid loss control agent in columns 6 and 7. Mondshine teaches adding the starch to a suspension of brine particles. Mondshine includes calcium chloride and calcium bromide as the particular brines. It would have been obvious to make a polymer dispersion of calcium bromide and chloride brines containing starch as fluid loss control agents because the combined references teach the method of forming a polymer dispersion in brines and the specific brines (calcium chloride and calcium bromide) for use as fluid loss control agents and rheology increasers.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner

08/869109  
1721

should be directed to Examiner Kelly whose telephone number is (703) 308-0449. The examiner can normally be reached on Mondays through Thursdays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sharon Gibson, can be reached on (703) 308-4552. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-5408.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

C. H. Kelly  
Primary Examiner  
1721  
CH Kelly